

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

RESOLUTION NO. R5-2005-0119

MODIFYING RESOLUTION NO. R5-2003-0006

WHEREAS, in 1975 the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) adopted the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan), which has been amended occasionally; and

WHEREAS, the Federal Clean Water Act (CWA) requires the Regional Board to develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region; and

WHEREAS, the current Basin Plan contains water quality objectives for temperature that limit increases in temperature of intrastate waters to no more than 5 degrees Fahrenheit above natural receiving water temperature; and

WHEREAS, Regional Board staff prepared amendments to the Basin Plan based on site specific data regarding the resident populations and current science on the effects of temperature on the beneficial uses of Deer Creek; and

WHEREAS, Regional Board staff prepared a Notice of Filing and an environmental checklist that indicated that the amendments result in no potential for adverse effect, either individually or cumulatively, on wildlife; and

WHEREAS, Regional Board staff prepared and circulated a draft proposed amendment, staff report, Notice of Filing, and an environmental checklist to interested individuals and public agencies for review and comment in accordance with state and federal environmental regulations (23 CCR Section 3775, 40 CFR 25, and 40 CFR 131); and

WHEREAS, the process to amend the Basin Plan has been certified as an exempt regulatory program by the Secretary of Resources in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21090.5(c)). The staff report and environmental checklist constitute the environmental documents necessary to comply with CEQA; and

WHEREAS, on 31 January 2003 the Regional Board adopted Resolution No. R5-2003-0006, amending the Basin Plan to add site-specific water quality objectives for temperature to Deer Creek in El Dorado and Sacramento counties; and

WHEREAS, a Basin Plan amendment must be approved by the State Water Resources Control Board (State Board), Office of Administrative Law (OAL), and the United States Environmental Protection Agency (USEPA) before becoming effective; and

WHEREAS, the State Board adopted Resolution No. 2004-0008 approving the amendment on 19 February 2004 and OAL approved the amendment on 11 March 2005 after requesting the Executive Officer make a minor non-substantive change; and

WHEREAS, on 15 March 2005 the State Board forwarded State Board Resolution No. 2004-0008 and Regional Board Resolution R5-2003-0006 to USEPA for approval, but USEPA has not as of the date of this Resolution approved the amendment; and

WHEREAS, the Regional Board had intended to consider a modification of the proposed amendment as set forth in Attachment 1 prior to adoption on 31 January 2003, but due to an administrative oversight failed to consider the modification at the hearing for adoption; and

WHEREAS, the Regional Board agrees that it is appropriate to consider the modification; and

WHEREAS, the Regional Board held a public hearing on 16 September 2005, for the purpose of receiving comments on the proposed modification to the Basin Plan amendment adopted in Resolution No. R5-2003-0006. Notice of the public hearing was sent to all interested persons and published in accordance with California Water Code Section 13244; and

WHEREAS, the Regional Board finds that the proposed modification to the Basin Plan Amendment was developed in accordance with California Water Code Section 13240, et seq.:

THEREFORE BE IT RESOLVED, pursuant to Section 13240, et seq. of the California Water Code, the Regional Board, after considering the entire record, including oral comments at the hearing, hereby reaffirms the staff report for Resolution No. R5-2003-0006 and adopts the modification to the Basin Plan Amendment as set forth in Attachment 1; and be it further

RESOLVED, that this Resolution adopting the modification to the Basin Plan Amendment shall be a considered a part of Resolution No. R5-2003-0006; and be it further

RESOLVED, that the Executive Officer is directed to forward copies of the modified Basin Plan amendment to the State Board in accordance with the requirements of California Water Code Section 13245; and be it further

RESOLVED, that the Regional Board requests that the State Board approve the modified Basin Plan amendment in accordance with the requirements of California Water Code Sections 13245 and 13246 and forward it to OAL and the USEPA; and be it further

RESOLVED, if during its approval process the State Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Regional Board of any such changes; and be it further

RESOLVED, the Executive Officer is authorized to sign a Certificate of Fee Exemption and following approval of the Basin Plan amendment by the OAL submit this Certificate in lieu of payment of the Department of Fish and Game filing fee to the Secretary for Resources; and be it further

RESOLVED, the environmental documents prepared by Regional Board staff pursuant to Public Resources Code Section 21080.5 were previously certified and revisions are hereby certified, and following approval of the Basin Plan amendment by the State Board, the Executive Officer shall file a Notice of Decision with the State Clearinghouse.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 16 September 2005.

A handwritten signature in black ink, reading "Thomas R. Pinkos". The signature is written in a cursive style with a large initial "T".

THOMAS R. PINKOS, Executive Officer

ATTACHMENT 1
RESOLUTION NO. R5-2005-0119
MODIFYING RESOLUTION NO. R5-2003-0006

Revise Basin Plan sections as follows:

CHAPTER III. – WATER QUALITY OBJECTIVES

Add the following sentences to the end of the third paragraph of the “Temperature” section on page III-8.00:

The following site-specific objective replaces the general temperature objective, above, in its entirety for the listed water body:

For Deer Creek, source to Cosumnes River, temperature changes due to **discharges** **controllable factors** shall not cause creek temperatures to exceed the objectives specified in Table III-4A.

Insert the following Table III-4A following Table III-4 on page III-8.00:

TABLE III-4A
DEER CREEK TEMPERATURE OBJECTIVES

<u>Date</u>	<u>Daily Maximum (°F)^a</u>	<u>Monthly Average (°F)^b</u>
<u>January and February</u>	<u>63</u>	<u>58</u>
<u>March</u>	<u>65</u>	<u>60</u>
<u>April</u>	<u>71</u>	<u>64</u>
<u>May</u>	<u>77</u>	<u>68</u>
<u>June</u>	<u>81</u>	<u>74</u>
<u>July through Sept.</u>	<u>81</u>	<u>77</u>
<u>October</u>	<u>77</u>	<u>72</u>
<u>November</u>	<u>73</u>	<u>65</u>
<u>December</u>	<u>65</u>	<u>58</u>

a Maximum not to be exceeded.

b Defined as a calendar month average.

CHAPTER V. – SURVEILLANCE AND MONITORING

Insert the following paragraph at the end of the “Special Studies” section on page V-2.00:

Another such study is a surveillance and monitoring program conducted by the El Dorado Irrigation District (EID) on Deer Creek in El Dorado and Sacramento Counties. Regional Board staff will work with EID to ensure adequate temperature, flow and biological monitoring is conducted to evaluate compliance with the site-specific temperature objectives for Deer Creek and their effect on beneficial uses.